

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 13 of the Commission's)	
Rules for Commercial Radio Operators)	RM- _____
and of Part 80 of the Commission's Rules for)	
Stations in the Maritime Services)	
to Clarify the Authority of Certain)	
FCC-Licensed Commercial Radio Operators)	

To the Secretary:

PETITION FOR RULEMAKING

Now comes the undersigned petitioner IAN HANCOCK KEITH who, pursuant to Section 1.401 of the Commission's Rules (47 CFR §1.401), hereby respectfully requests that the Commission issue a *Notice of Proposed Rulemaking* proposing to modify three sections of Part 13 of the Commission's Rules governing Commercial Radio Operators, and eleven sections of Part 80 of the Commission's Rules governing Stations in the Maritime Services as specified in the Appendix attached hereto. These proposed modifications would clarify the authority granted to holders of the "GMDSS Radio Operator/Maintainer License" and correct several inconsistencies of cross-reference between Part 13 and Part 80. The Petitioner states the following.

1. The Petitioner, an interested person, is a commercial radio operator under the Commission's Rules at 47 CFR §13.7(b)(5), serial number PG00048553.

2. The Commission's Rules at 47 CFR §13.7(b) specify twelve types of commercial radio operator licenses, certificates, and permits. 47 CFR §13.7(b)(9) authorizes the GMDSS Radio Operator's License. 47 CFR §13.7(b)(10) authorizes the Restricted GMDSS Radio Operator's License. 47 CFR §13.7(b)(11) authorizes the GMDSS Radio Maintainer's License. 47 CFR §13.7(b)(12) authorizes the GMDSS Radio Operator/Maintainer License.

3. The Commission's Rules at 47 CFR §13.8 convey authority to certain licenses, certificates, and permits for the operating privileges of other licenses, certificates, and permits. The operating authority of a GMDSS Radio Operator/Maintainer License is not specified in this section. The Commission's Rules at 47 CFR §80.1074(b) convey authority to perform at-sea maintenance of GMDSS equipment under Subpart W of the Commission's Rules to holders of either a "GMDSS Maintainer's License [*sic*]" or a "GMDSS Operator's/Maintainer's License [*sic*]". 47 CFR §80.1074(c) provides that either license designates the holder as a "qualified GMDSS radio maintainer". The Petitioner assumes that the two licenses identified at 47 CFR §80.1074(b) are the same two licenses, respectively, specified at 47 CFR §13.7(b)(11) and 47 CFR §13.7(b)(12). Although the authority conveyed at 47 CFR §80.1074(b) is *specific* to Subpart W, that authority also appears to be conveyed to Subpart B by the table at 47 CFR §80.59(a)(1). Thus, the Petitioner requests that the authority conveyed to the GMDSS Radio Operator/Maintainer License be specified at 47 CFR §13.8 as shown in Paragraph 1 of the Appendix attached hereto. The Petitioner also requests that the spelling of the licenses

specified at 47 CFR §80.1074(b) align with the spelling of the appropriate licenses specified at 47 CFR §13.7(b) as shown in Paragraph 2 of the Appendix attached hereto.

4. The examination requirements for most of the licenses, certificates, and permits authorized by 47 CFR §13.7(b) are specified at 47 CFR §13.201(b). The examination requirements for the GMDSS Radio Operator/Maintainer License are not specified but should include the examination requirements for both the GMDSS Radio Operator's License specified at 47 CFR §13.201(b)(4), but *not* the Restricted GMDSS Radio Operator's License specified at 47 CFR §13.201(b)(5), and the GMDSS Radio Maintainer's License specified at 47 CFR §13.201(b)(6). Thus, the Petitioner requests that the examination requirements for the GMDSS Radio Operator/Maintainer License be specified at 47 CFR §13.201(b) as shown in Paragraph 3 of the Appendix attached hereto.

5. 47 CFR §13.7(c)(1) provides that a Ship Radar Endorsement may be affixed to certain licenses including the GMDSS Radio Maintainer's License. Because the GMDSS Radio Operator/Maintainer License includes the authority of the GMDSS Radio Maintainer's License, the GMDSS Radio Operator/Maintainer License should also be eligible for the Ship Radar Endorsement. Thus, the Petitioner requests that the GMDSS Radio Operator/Maintainer License be specified at 47 CFR §13.7(c)(1) as shown in Paragraph 4 of the Appendix attached hereto.

6. 47 CFR §80.151(c)(1) provides that a Ship Radar Endorsement may be affixed to certain certificates and licenses including the General Radiotelephone Operator License. Because the GMDSS Radio Maintainer's License and the GMDSS Radio

Operator/Maintainer License includes the authority of the General Radiotelephone Operator License, the GMDSS Radio Maintainer's License and the GMDSS Radio Operator/Maintainer License should also be eligible for the Ship Radar Endorsement. Thus, the Petitioner requests that the GMDSS Radio Maintainer's License and the GMDSS Radio Operator/Maintainer License be specified at 47 CFR §80.151(c)(1) as shown in Paragraph 5 of the Appendix attached hereto.

7. The holder of certain commercial radio operator licenses or certificates is granted authority under 47 CFR §80.59 to perform compulsory ship inspections. Because the authority granted by a GMDSS Radio Operator/Maintainer License includes the authority granted by a GMDSS Radio Maintainer's License, the GMDSS Radio Operator/Maintainer License should be included in the list of licenses by which the holder is authorized to perform compulsory ship inspections. Thus, the Petitioner requests that the GMDSS Radio Operator/Maintainer License be included in the list of licenses specified at 47 CFR §80.59 as shown in Paragraphs 6 and 7 of the Appendix attached hereto.

8. The Commission's Rules at 47 CFR §80.167 restrict certain equipment adjustments to holders of certain classes of licenses. Most of these license classes are identified by their alphanumeric designators as shown at 47 CFR §80.151(b), however a "G" licensee is not defined at 47 CFR §80.151(b). The context of 47 CFR §80.167 and 47 CFR §80.169(a) suggests that a "G" licensee should refer to a holder of a General Radiotelephone Operator License and therefore a PG licensee. And because a DM or DB licensee is conveyed the authority of a PG licensee per 47 CFR §13.8, 47 CFR §80.167

should include the DM and DB licensees as well. The Petitioner requests that this reference to an undefined “G” licensee be replaced by the defined DM, DB, and PG licensees as shown in Paragraph 8 of the Appendix attached hereto.

9. The Commission’s Rules at 47 CFR §80.169(a) restrict radio transmitter adjustments to holders of certain classes of licenses including holders of a General Radiotelephone Operator License. Because a GMDSS Radio Maintainer’s License and a GMDSS Radio Operator/Maintainer License are conveyed the authority of a General Radiotelephone Operator License per 47 CFR §13.8, 47 CFR §80.169(a) should include the GMDSS Radio Maintainer’s License and GMDSS Radio Operator/Maintainer License as well. Thus, the Petitioner requests that the GMDSS Radio Maintainer’s License and the GMDSS Radio Operator/Maintainer License be included in the list of licenses specified at 47 CFR §80.169(a) as shown in Paragraph 9 of the Appendix attached hereto.

10. The holder of certain commercial radio operator licenses or certificates is granted authority under 47 CFR §80.953 to perform compulsory ship inspections on vessels subject to the Great Lakes Agreement. Because the authority granted by a GMDSS Radio Operator/Maintainer License includes the authority granted by a GMDSS Radio Maintainer’s License, the GMDSS Radio Operator/Maintainer License should be included in the list of licenses by which the holder is authorized to perform compulsory ship inspections on vessels subject to the Great Lakes Agreement. Thus, the Petitioner requests that the GMDSS Radio Operator/Maintainer License be included in the list of licenses specified at 47 CFR §80.953 as shown in Paragraph 10 of the Appendix attached hereto.

11. The holder of certain commercial radio operator licenses or certificates is granted authority under 47 CFR §80.1005 to perform compulsory ship inspections on vessels subject to the Bridge-to-Bridge Act. Because the authority granted by a GMDSS Radio Operator/Maintainer License includes the authority granted by a GMDSS Radio Maintainer's License, the GMDSS Radio Operator/Maintainer License should be included in the list of licenses by which the holder is authorized to perform compulsory ship inspections on vessels subject to the Bridge-to-Bridge Act. Thus, the Petitioner requests that the GMDSS Radio Operator/Maintainer License be included in the list of licenses specified at 47 CFR §80.1005 as shown in Paragraph 11 of the Appendix attached hereto.

12. Vessels subject to 47 CFR Part 80, Subpart W require an annual inspection of required equipment by the holder of a GMDSS Radio Maintainer's License under 47 CFR §80.1067. Because the authority granted by a GMDSS Radio Operator/Maintainer License includes the authority granted by a GMDSS Radio Maintainer's License, the GMDSS Radio Operator/Maintainer License should be included as a license by which the holder is authorized to perform inspections of required equipment on vessels subject to Subpart W of the Commission's Rules. Thus, the Petitioner requests that the GMDSS Radio Operator/Maintainer License be specified at 47 CFR §80.1067 as shown in Paragraph 12 of the Appendix attached hereto.

13. The Petitioner notes that there is a duplicate instance of 47 CFR §80.151(b)(9). The second instance of 47 CFR §80.151(b)(9) conforms with 47 CFR §80.151(b)(10) and 47 CFR §80.151(b)(11) regarding the restriction on filing of new applications for Radiotelegraph Operator's Certificates. Thus, the Petitioner requests that the first instance

of 47 CFR §80.151(b)(9) be deleted as shown in Paragraph 13 of the Appendix attached hereto.

14. The Commission's Rules at 47 CFR §80.203(b)(3) restrict the programming of authorized channels to holders of certain classes of licenses including holders of a General Radiotelephone Operator License. Because a GMDSS Radio Maintainer's License and a GMDSS Radio Operator/Maintainer License are conveyed the authority of a General Radiotelephone Operator License per 47 CFR §13.8, 47 CFR §80.203(b)(3) should include the GMDSS Radio Maintainer's License and GMDSS Radio Operator/Maintainer License as well. Thus, the Petitioner requests that the GMDSS Radio Maintainer's License and the GMDSS Radio Operator/Maintainer License be included in the list of licenses specified at 47 CFR §80.203(b)(3) as shown in Paragraph 14 of the Appendix attached hereto.

15. Changes to the text of 47 CFR §80 resulting from this Petition for Rulemaking may impact the four mandatory inspection checklists required by 47 CFR §80.59, 47 CFR §80.903, 47 CFR §80.953, 47 CFR §80.1005, and 47 CFR §80.1067 that are available to the FCC license holder conducting an inspection at <http://transition.fcc.gov/eb/ShipInsp/>. The Petitioner recommends that these four mandatory inspection checklists be reviewed for conforming changes.

The foregoing is true to the best of my knowledge, information, and belief there is good ground to support it.

Respectfully Submitted,

Ian Hancock Keith

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APPENDIX

1. 47 CFR §13.8 is amended by inserting a new paragraph (g), and renumbering the existing paragraph (g) as new paragraph (h), thereof to read as follows:

(g) A GMDSS Radio Operator/Maintainer License conveys all of the operating authority of the General Radiotelephone Operator License, the Marine Radio Operator Permit, and the Restricted Radiotelephone Operator Permit.

~~(g)~~ (h) A Marine Radio Operator Permit conveys all of the authority of the Restricted Radiotelephone Operator Permit.

2. 47 CFR §80.1074(b) is amended by revising the two existing numbered paragraphs thereof to read as follows:

(1) DM: GMDSS Radio Maintainer's License.

(2) DB: GMDSS Radio Operator's/Maintainer's License.

3. 47 CFR §13.201(b) is amended by inserting a new paragraph (7), and renumbering the existing paragraph (7) as new paragraph (8), thereof to read as follows:

(7) GMDSS Radio Operator/Maintainer License: Written Elements 1, 3, 7, and 9.

~~(7)~~ (8) Ship Radar Endorsement: Written Element 8.

4. 47 CFR §13.7 is amended by revising the existing paragraph (c)(1) thereof to read as follows:

(1) Ship Radar Endorsement (First and Second Class Radiotelegraph Operator's Certificates, Radiotelegraph Operator License, General Radiotelephone Operator License, GMDSS Radio Maintainer's License, GMDSS Radio Operator/Maintainer License).

5. 47 CFR §80.151 is amended by revising the existing paragraph (c)(1) thereof to read as follows:

(1) Ship Radar Endorsement (First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator License, GMDSS Radio Maintainer's License, GMDSS Radio Operator/Maintainer License, General Radiotelephone Operator License).

6. 47 CFR §80.59 is amended by revising the existing note and table in paragraph (a)(1) thereof to read as follows:

NOTE: Nothing in this section prohibits Commission inspectors from inspecting ships. The mandatory inspection of U.S. vessels must be conducted by an FCC-licensed technician holding an FCC General Radiotelephone Operator License, GMDSS Radio Maintainer's License, GMDSS Radio Operator/Maintainer License, Second Class Radiotelegraph Operator's Certificate, First Class Radiotelegraph Operator's Certificate, or Radiotelegraph Operator License in accordance with the following table:

Category of vessel	Minimum class of FCC license required by private sector technician to conduct inspection – only one license required				
	General Radiotelephone Operator License	GMDSS Radio Maintainer's License	<u>GMDSS Radio Operator/Maintainer License</u>	Radiotelegraph Operator License (formerly Second Class Radiotelegraph Operator's Certificate)	First Class Radiotelegraph Operator's Certificate
Radiotelephone equipped vessels subject to 47 CFR part 80, subpart R or S	√	√	<u>√</u>	√	√
GMDSS equipped vessels subject to 47 CFR part 80, subpart W		√	<u>√</u>		

7. 47 CFR §80.59 is amended by revising the existing paragraph (b) thereof to read as follows:

(b) Inspection and certification of a ship subject to the Great Lakes Agreement. The FCC will not inspect Great Lakes Agreement vessels. An inspection and certification of a ship subject to the Great Lakes Agreement must be made by a technician holding one of the following: an FCC General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a GMDSS Radio Operator/Maintainer License, a Second Class Radiotelegraph Operator's Certificate, a First Class Radiotelegraph Operator's Certificate, or a Radiotelegraph Operator License. The certification required by §80.953 must be entered into the ship's log. The technician conducting the inspection and providing the certification must not be the vessel's owner, operator, master, or an employee of any of them. Additionally, the vessel owner, operator, or ship's master must certify that the inspection was satisfactory. There are no FCC prior notice requirements for any inspection pursuant to §80.59(b).

8. 47 CFR §80.167 is amended by revising the existing sentence thereof to read as follows:

The operator of maritime radio equipment other than T-1, T-2, T, ~~or G~~ DM, DB, or PG licensees must not:

* * * * *

9. 47 CFR §80.169 is amended by revising the existing paragraph (a) thereof to read as follows:

(a) All adjustments of radio transmitters in any radiotelephone station or coincident with the installation, servicing, or maintenance of such equipment which may affect the proper operation of the station, must be performed by or under the immediate supervision and responsibility of a person holding a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator License, GMDSS Radio Maintainer's License, GMDSS Radio Operator/Maintainer License, or General Radiotelephone Operator License.

10. 47 CFR §80.953 is amended by revising the existing paragraph (b) thereof to read as follows:

(b) An inspection and certification of a ship subject to the Great Lakes Agreement must be made by a technician holding one of the following: a General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a GMDSS Radio Operator/Maintainer License, a Radiotelegraph Operator License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate. Additionally, the technician must not be the vessel's owner, operator, master, or an employee of any of them. The results of the inspection must be recorded in the ship's radiotelephone log and include:

* * * * *

11. 47 CFR §80.1005 is amended by revising the existing paragraph thereof to read as follows:

The bridge-to-bridge radiotelephone station will be inspected on vessels subject to regular inspections pursuant to the requirements of Parts II and III of Title II of the Communications Act, the Safety Convention or the Great Lakes Agreement at the time of the regular inspection. If after such inspection, the Commission determines that the Bridge-to-Bridge Act, the rules of the Commission and the station license are met, an endorsement will be made on the appropriate document. The validity of the endorsement will run concurrently with the period of the regular inspection. Each

vessel must carry a certificate with a valid endorsement while subject to the Bridge-to-Bridge Act. All other bridge-to-bridge stations will be inspected from time to time. An inspection of the bridge-to-bridge station on a Great Lakes Agreement vessel must normally be made at the same time as the Great Lakes Agreement inspection is conducted by a technician holding one of the following: a General Radiotelephone Operator License, a GMDSS Radio Maintainer's License, a GMDSS Radio Operator/Maintainer License, a Radiotelegraph Operator License, a Second Class Radiotelegraph Operator's Certificate, or a First Class Radiotelegraph Operator's Certificate. Additionally, the technician must not be the owner, operator, master, or an employee of any of them. Ships subject to the Bridge-to-Bridge Act may, in lieu of an endorsed certificate, certify compliance in the station log required by §80.409(f).

12. 47 CFR §80.1067 is amended by revising the existing paragraph (a) thereof to read as follows:

(a) Ships must have the required equipment inspected at least once every 12 months by an FCC-licensed technician holding a GMDSS Radio Maintainer's License or a GMDSS Radio Operator/Maintainer License. If the ship passes the inspection the technician will issue a Safety Certificate. Safety Certificates may be obtained from the Commission's National Call Center at 1-888-CALL FCC (1-888-225-5322). The effective date of the ship Safety Certificate is the date the station is found to be in compliance or not later than one business day later. The FCC-licensed technician must use the latest FCC Information Bulletin, How to Conduct a GMDSS Inspection, which may be obtained at <http://www.fcc.gov>.

13. 47 CFR §80.151 is amended by revising the existing paragraph (b) thereof to read as follows:

(b) The following licenses are issued by the Commission. The international classification of each license, if different from the license name, is given in parentheses. The listed alphanumeric designators are the codes by which the licenses are identified in the Commission's Universal Licensing System.

- (1) RR. Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate).
- (2) RL. Restricted Radiotelephone Operator Permit-Limited Use.
- (3) MP. Marine Radio Operator Permit (radiotelephone operator's restricted certificate).
- (4) PG. General Radiotelephone Operator License (radiotelephone operator's general certificate).
- (5) DO. GMDSS Radio Operator's License (General Operator's Certificate).

(6) RG. Restricted GMDSS Radio Operator's License (Restricted Operator's Certificate).

(7) DM. GMDSS Radio Maintainer's License.

(8) DB. GMDSS Radio Operator/Maintainer License.

~~(9) T3. Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate).~~

(9) T-3. Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate). Beginning May 20, 2013, no applications for new Third Class Radiotelegraph Operator's Certificates will be accepted for filing.

(10) T-2. Second Class Radiotelegraph Operator's Certificate. Beginning May 20, 2013, no applications for new Second Class Radiotelegraph Operator's Certificates will be accepted for filing.

(11) T-1. First Class Radiotelegraph Operator's Certificate. Beginning May 20, 2013, no applications for new First Class Radiotelegraph Operator's Certificates will be accepted for filing.

(12) T. Radiotelegraph Operator License.

14. 47 CFR §80.203 is amended by revising the existing paragraph (b)(3) thereof to read as follows:

(3) Except as provided in paragraph (b)(4) of this section, programming of authorized channels must be performed only by a person holding a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Radiotelegraph Operator License, GMDSS Radio Maintainer's License, GMDSS Radio Operator/Maintainer License, or General Radiotelephone Operator License using any of the following procedures: